

AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1180

Introduced by Assembly Member Harman

February 21, 2003

An act to amend Section 209 of the Code of Civil Procedure, relating to jurors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1180, as amended, Harman. Jury duty.

Under existing law, a prospective trial juror who has been summoned for jury service and fails to attend as directed or respond to the court may be compelled to attend, as specified. In addition, after an order to show cause hearing, the court may find the prospective juror in contempt of court, which is punishable by fine, incarceration, or both.

This bill would permit the court, in lieu of imposing penalties for contempt, to impose reasonable money sanctions of no more than ~~\$1,500~~ \$500 upon a prospective juror who has failed to respond, after first providing the prospective juror with notice and an opportunity to be heard, as specified. The bill would also require the Judicial Council to provide a procedure for prospective jurors against whom a sanction has been imposed by default to move to set aside the default.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 209 of the Code of Civil Procedure is amended to read:

209. (a) Any prospective trial juror who has been summoned for service, and who fails to attend upon the court as directed or to respond to the court or jury commissioner and to be excused from attendance, may be attached and compelled to attend;~~and,~~
~~following.~~ *Following* an order to show cause hearing, the court may find the prospective juror in contempt of court, punishable by fine, incarceration, or both, as otherwise provided by law.

(b) In lieu of imposing sanctions for contempt as set forth in subdivision (a), the court may impose reasonable money sanctions after first providing the prospective juror with notice and an opportunity to be heard. The court may give notice of its intent to impose sanctions by either of the following means:

(1) Verbally to a prospective juror appearing in person in open court.

(2) The issuance on its own motion of an order to show cause regarding why sanctions should not be imposed. The court may serve the order to show cause by certified or first-class mail.

The monetary sanctions imposed may not exceed ~~fifteen~~ five hundred dollars ~~—(\$1,500)—~~ (\$500). Notwithstanding any other provision of law, the full amount of any sanction paid shall be ~~paid to and retained by the court~~ *deposited in a special account in the county treasury and transmitted from that account monthly to the Controller for deposit in the Trial Court Trust Fund.* The Judicial Council shall, by rule, provide for a procedure by which a prospective juror against whom a sanction has been imposed by default may move to set aside the default.